

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A PUBLIC HEARING IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY,
JULY 7, 2008 AT 6:00P.M.**

Mr. Gahan called the meeting to order at 6:01 p.m. he thanked everyone for coming out tonight

Karla Sneegus, Executive Director, Indiana Tobacco Prevention and Cessation, stated that she was glad that they are taking this time to consider this ordinance and shared information concerning a second hand smoke study that they have performed to show the small air borne particulates in the smoking establishments. She informed the council that her organization can provide them with any information that they may need in their research creating an appropriate ordinance.

Felicia Curr, Floyd Co. Indiana Tobacco Prevention and Cessation Organization stated that she was the person who performed the air borne small particulate study in New Albany compared to the non-smoking establishments in Louisville and the toxicity of out air is 11 times higher than that of Louisville. She explained the cost to Indiana in medical expenses to treat second hand smoke alone and thanked the council for hearing this issue. She stated that she is hear to help individuals in the Southern Indiana area to stop smoking and explained several studies in businesses in Indiana that were not affected by a smoking ban.

Virgil Kinehelter stated that he is surprised that the prior organization stated that there were 9600 deaths related to second hand smoke when the CDC stated that there were only 3,000 for the whole country that they could link directly to second hand smoke. He discussed several different studies that indicate that second hand smoke is not as harmful as previously thought.

CJ Nordhoff stated that she is a resident of New Albany and she has had the pleasure of working with the American heart Association, Lung Association and the Cancer Association. She stated that she also has a personal interest because she is an asthmatic and it is difficult for her to find a location to go out for dinner that does not cause her to have issues with her illness.

Jamie Abersold stated that he is a musician and he has quit playing in certain clubs and bowling alleys because of the cigarette smoke. He discussed the fact that there are a large number of chemicals in the cigarettes that no one is aware of because they do not have to list their ingredients. He stated that it is addictive and still legal but only because the larger tobacco companies have spent billions of dollars to keep it that way. He stated that it is a lethal habit that causes individuals to die years before others that do not participate in the habit.

Mary Beth Adams Wolfe stated that she has been concerned about second hand smoke for many years and she presented the findings to the council regarding the many illnesses and defects that it causes.

Thomas Kaiser, Kaiser Tobacco and Kaiser Wholesale, discussed the fact that he believes that the market is taking care of itself and governing itself on which areas they want to make non-smoking and he thinks that should be their right to do so and there is nothing wrong with a free market and the business owners having a right to choose.

Tim Fuller, Tobacco Prevention Commission, stated that he works with communities to establish public smoking bans. He stated that he disagrees with the fact that the market is taking care of itself because there are still employees who are suffering from respiratory problems, heart disease and lung cancer. He stated that this is a proven and preventable health threat that is occurring in the work place and the employees do not have the economic function of just quitting a job. He stated that a smoking ban is not telling people that they can't smoke but just saying it is not allowed in these enclosed spaces.

Greg Phipps, Spring Street, stated that he is a libertarian and does not like to govern people's rights, but in the situation of second hand smoke he would support a comprehensive ban on smoking with the exception of maybe a private club or something similar. He stated that less than 20% of Americans are currently smoking and they have a small vocal minority that is trying to dictate policy that is harmful to the large majority of society.

Jean Abshire stated that she is a citizen of New Albany and she is simply here to voice her support for the smoking ban for all of the usual health and economic reasons.

Maurice King, McDonald Avenue, stated that he has recently quit smoking but he is a firm believer in smoker's rights and stated that he contacted all the restaurants in New Albany and there were only 11 that allowed smoking on the inside and 30 are non-smoking so he doesn't understand what the issue is.

James Frial stated that he takes his business and money to the Louisville because they have a smoking ban.

Kim Scott, Health Teacher from New Albany High School, discussed issues that her students have with going to restaurants in New Albany that allow smoking. She stated that they have to go to restaurants in this area because they rely on their parents to take them out and they come home smelling like smoke and they would prefer to not even go to the restaurants in New Albany. She discussed some facts from the CDC that explains the risks of second hand smoke in children including SIDS, heart disease and hindering the growth of lungs. She stated that eliminating indoor smoking is the only way to protect citizens from second hand smoke. She stated that sectioning off smoking from non-smoking does nothing to alleviate this issue.

Sam Anderson represented the restaurant and hospitality industry, he stated that he has businesses in New Albany, Louisville, Clarksville and Jeffersonville and he has had the opportunity to have a great sales mix and he hates to say this because he is a non-smoker but a smoking ban does effect his business and has effected his business.

Jim Langness stated that he owns a tavern in town and that he doesn't have any of the figures and charts that everyone else has presented but he can say that a majority of his customers smoke and if they put this law into affect his business will go down 30%. He stated that there is no laws against smoking so why should there be a smoking ban. He suggested that each business owner be required to advertise on their doors if they are a smoking facility or not and that way the customer could choose before they entered.

Dan McKinley, owner of Mac's Hideaway stated that a smoking ban will hurt his business. He stated that he has heard a lot about the employees and the cost of second hand smoking to them but if they pass a ban he will have to lay people off.

Rob Nolot, Bearno's Pizza owner, stated that he is pro-choice and that he believes that the business owners who pour all of their savings and time into a business should be allowed to make the decision for themselves.

Jeff Roudenbush stated that he doesn't have a stake in either side of the fight but all the public government areas are smoke free as well as the hospital, library, IUS Campus, and School Systems so anywhere that a citizen of New Albany is required to go is smoke free and if they do not want to go to a restaurant that allows smoking that is their right, but if someone wants to smoke that should also be their right because smoking is not illegal.

Dana Neimann, Assistant Coordinator for the Floyd County Tobacco Commission stated that she is here to talk about worker safety with regards to second hand smoke. She stated that she was in the restaurant industry for years and one of the reasons she decided to leave was because of what she perceived as deteriorating health. She stated that a lot of people out there don't have the choice to leave their job if they feel the smoke is a health hazard and the fact is they shouldn't have to make that choice. She stated that they already protect workers from so many different hazards and she doesn't see why this is any different. She stated that in Floyd County 2,382 residents work in restaurants and bars and some of these are teenagers who are not being protected from exposure to these chemicals and they do not have a whole lot of choice of where they can go to work because for many this is their first job.

Amy Adams voiced her support for a smoking ban and explained that she has seen too many studies about the danger of secondhand smoke for them to not realize what a public heath hazard it is. She stated that she is 12 weeks pregnant and knows the hazards of smoke and she has many friends that are waitresses and can't imagine them being pregnant and being exposed to that danger and it is not as simple as just quitting your job

especially in this economy. She believes it is time for the Council to step up and follow the lead of so many other cities and protect the citizens.

Larry Pugh stated that he has a bar and he believes that a business owner should have a right to make a decision whether or not they want to ban smoking. He stated that doesn't have any teenagers that work in his business and he believes that America is over regulated as it is. He stated that everyone in the room has a right to request smoking or non smoking and to make the choice to not frequent establishments that have smoking.

Trish Meyer stated that she is a new restaurant owner in New Albany and she wanted to know if the comments regarding the work place were mainly aimed at restaurants and bars or if it was for every place of employment. She stated that she has a separate smoking area in her bar and they ask every customer what their preference and she has a lot of business that comes from Louisville because they are allowed to smoke. She stated that employees do have the option to not work in these establishments.

Geneva Frye, teacher for the New Albany/Floyd County School stated that she has had to quit jobs because of second hand smoke and stated that smokers don't always respect the rights of non-smokers even in non-smoking areas. She stated that she doesn't want to be one of the people sick with lung cancer from second hand smoke and she would love to be able to see her kids grow up in a smoke free environment. She stated that someone said earlier that they are getting the business from Louisville but her question is who exactly they should be catering to here, the citizens of New Albany or the citizens of Louisville. She stated that she would like to see them take care of the citizens of New Albany.

Carl Holiday 704 East Main stated that he is the co-owner of several businesses in the area. He stated that this is an important issue but is something that they should table until a few years down the road. He stated that they have been working really hard to get business to come to New Albany and he believes that this ban will impact the entire community.

Steve Goodman 704 East Main spoke against the smoking ban stating that he is not a smoker nor does he enjoy being around it, but they just opened a restaurant that does allow smoking and he believes it will affect their business. He stated that it is time for New Albany to be a progressive city and he spoke to the trends that are currently going on in Indianapolis and stated that he believes that New Albany should strive to be as progressive as them. He stated that smoking is not the best thing but it will eventually phase itself out and they should concentrate their resources on making New Albany a destination not a deterrent.

Vinni Cline stated that he works with kids and stated that he would like to bring up a point that is very important to him, which is that they were asking their kids a few years ago about their own development and whether or not they thought the adults in the community represented a good role model to them. He stated that no more than 30% were a good role model and consistently on issues such as the use of alcohol and tobacco the adults in New Albany fell short on what they are teaching their children. He stated that this is a public health issue and the citizens of New Albany are not walking the walk.

Sam Denton, American Heart Association thanked the council for discussing this important public health issue. He stated that as long as this discussion is based on fact and science and not on rumor and fear that you can have a healthy discussion. He stated that the American heart Association is here to offer the support and facts to the council as the study progresses. He stated that the science is completely clear on the fact that second hand has been proven beyond any reasonable doubt to cause heart disease and other tobacco related illnesses in otherwise healthy individuals. He explained that in 2006 the Surgeon General released the most comprehensive study on the harmful effects of secondhand smoke and what that study found among many other things is that secondhand smoke is a public health hazard and not just a mere annoyance and the only way to protect workers from this health hazard is to completely eliminate smoking in all in door buildings. He stated that these studies aren't formed to "pick on" smokers and it is not about consumer choice but the fact that the workers of these establishments do not have that choice. He explained that this is not about personal rights either because no employer should have the right to expose employees to a substance that has been known to cause death and disability. He stated that smoke-free ordinances do not have an economic influence and have become a scapegoat for failed businesses and smoke free policies save lives.

ADJOURN:

There being no further business to be heard, the meeting adjourned at 7:14 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
Marcey Wisman, City Clerk